

Fax

To:	Uspo OFFic C	of PetitionsFrom	motishai	
Fax:	1571-273-8300	Date:	August 5 , 2006	
Phone:	571-27223/231	Pages:	3	,
Re:	Ap. #10/ 774,08 0	CG:	Dougles Wood	

Commissioner For Patents P.O. Box 1450 Alexandria, VA 22313-1450

2006.08.04

In re Application of Moti Shai Application No. 10/774,080 Filed: 9th of February 2004 For: Lascr Beam Toy and Mouse

STATEMENT OF FACTS

Moti Shai, hereinafter "Petitioner", filed an application on the 9th of February 2004. On the 21st of July, 2004, Petitioner received a pre-exam formalities notice indicating that his application for patent was insufficient in; the amount of \$10, for a basic filing fee/small entity, unsigned oath and a late filing fee of \$65, as a small entity in compliance with 37 CFR 1.27. Petitioner was required to submit a total of \$75, a new oath with application number and the identity of the citizenship of each inventor.

After Petitioner received the "Pre-Exam Formalities Notice" on July 21st, 2004, Petitioner called the mail room for explanation, the advised him to fax his signature, citizenship and status . the didn't tell to Petitioner to write it on declaration part 2 forcom. Petitioner faxed the response. However, Petitioner used the Examiner's "Notice to File Missing Parts of a Non-Provisional Application," with his name, citizenship, application number, and status as the sole inventor, within the 2-month reply period, as a reply form.

On the 13th of December 2004, Petitioner received a "Pre-Exam Formalities Notice." Petitioner called and was assured by Ms. Kannan(sic), the mailroom supervisor, that while, the form in which Petitioner submitted his signature, date and citizenship was improper, the response will pass. Petitioner was also reminded that, in the future, all such submissions must be done according to guidelines. Thus, implying that Petitioner can ignore the guidelines on this particular occasion. Ms. Kannan(sic) requested that Petitioner resubmit the declaration, to which Petitioner complied on 27th of January 2005, in proper form.

Petitioner contacted the Examiner associated with Petitioner's application to reaffirm what Ms. Kannan(sic) had promised. Each time of contact, once a month, Petitioner was promised that the response was entered, and thus satisfied the "Pre-Exam Formalities Notice."

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POINTS TO BE REVIEWED

Petitioner requests that the abandoned designation be lifted. Petitioner has indicated an intention to comply with USPTO policy and guidelines, by multitude of responses dated; 19" of August 2004, 14" of January 2005 and 27th of January 2005. Specifically, in Petitioner's initial reply of 19th of August, Petitioner included his signature, citizenship and status as required by the Examiner. Though, Petitioner failed to satisfy the oath requirement because the initial response was not on the proper form, Petitioner sought advice, and received consent, from Ms. Kannan(sio), the mailroom supervisor and the Examiner associated with the application, in the pretext that the application would be examined.

Petitioner is foreign born and does not have a full command of the rules and regulations of the United States Patent and Trademark Office, much less the English language. Petitioner thought it proper to respond simply by signing and dating the Examiner's "Notice to File Missing Parts of a Non-Provisional Application." Following Petitioners reply, he consistently contacted the Examiner and Supervisor of the Art Unit regarding the status of his application. Each time, the response was positive, in that their responses led Petitioner to believe that no other information was necessary to obtain a filing date. Petitioner contends that throughout the year, once a month, each and every contact, resulted in the same, leading the Petitioner to assume that all the requirements were met.

ACTION REQUESTED

Respectfully Submitted,

Mott Shai

Date Mailed: 07/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.63(b)

An application number and filing date have been accorded to this application. The Hern(s) indicated below.

PAGE 3/3 * RCVD AT 8/7/2006 11:15:29 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-2/22 * DNIS:2738300 * CSID:8182257106 * DURATION (mm-ss):02-14